

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Children and Family Services Act is amended  
5 by changing Section 35.2 as follows:

6 (20 ILCS 505/35.2) (from Ch. 23, par. 5035.2)

7 Sec. 35.2. If a child has been found to be an abused minor  
8 under Section 4-8 of the Juvenile Court Act or Section 2-21 of  
9 the Juvenile Court Act of 1987, and the perpetrator of the  
10 abuse was the child's parent, and (i) such parent has been  
11 convicted of aggravated battery of the child or (ii) such  
12 parent has been convicted of aggravated participation in  
13 methamphetamine manufacturing under subdivision (b)(1)(B) of  
14 Section 15 of the Methamphetamine Control and Community  
15 Protection Act and the child who has been found to be an abused  
16 minor was the child who resided or was present at the place  
17 when the methamphetamine was manufactured or who was endangered  
18 by the manufacture of the methamphetamine, and the child has  
19 been committed to the Department of Children and Family  
20 Services for care and service under Section 5-7 of the Juvenile  
21 Court Act or Section 2-27 of the Juvenile Court Act of 1987,  
22 the Department shall cause to be filed a petition seeking the  
23 termination of such parent's parental rights pursuant to "An

1 Act in relation to the adoption of persons, and to repeal an  
2 Act therein named", approved July 17, 1959, as amended, or  
3 under Section 2-29 of the Juvenile Court Act of 1987, and the  
4 Department shall also seek placement of the child with suitable  
5 adoptive parents.

6 Notwithstanding any other rulemaking authority that may  
7 exist, neither the Governor nor any agency or agency head under  
8 the jurisdiction of the Governor has any authority to make or  
9 promulgate rules to implement or enforce the provisions of this  
10 amendatory Act of the 95th General Assembly. If, however, the  
11 Governor believes that rules are necessary to implement or  
12 enforce the provisions of this amendatory Act of the 95th  
13 General Assembly, the Governor may suggest rules to the General  
14 Assembly by filing them with the Clerk of the House and the  
15 Secretary of the Senate and by requesting that the General  
16 Assembly authorize such rulemaking by law, enact those  
17 suggested rules into law, or take any other appropriate action  
18 in the General Assembly's discretion. Nothing contained in this  
19 amendatory Act of the 95th General Assembly shall be  
20 interpreted to grant rulemaking authority under any other  
21 Illinois statute where such authority is not otherwise  
22 explicitly given. For the purposes of this Section, "rules" is  
23 given the meaning contained in Section 1-70 of the Illinois  
24 Administrative Procedure Act, and "agency" and "agency head"  
25 are given the meanings contained in Sections 1-20 and 1-25 of  
26 the Illinois Administrative Procedure Act to the extent that

1 such definitions apply to agencies or agency heads under the  
2 jurisdiction of the Governor.

3 (Source: P.A. 86-403.)

4 Section 10. The Juvenile Court Act of 1987 is amended by  
5 changing Section 1-2 as follows:

6 (705 ILCS 405/1-2) (from Ch. 37, par. 801-2)

7 Sec. 1-2. Purpose and policy.

8 (1) The purpose of this Act is to secure for each minor  
9 subject hereto such care and guidance, preferably in his or her  
10 own home, as will serve the safety and moral, emotional,  
11 mental, and physical welfare of the minor and the best  
12 interests of the community; to preserve and strengthen the  
13 minor's family ties whenever possible, removing him or her from  
14 the custody of his or her parents only when his or her safety  
15 or welfare or the protection of the public cannot be adequately  
16 safeguarded without removal; if the child is removed from the  
17 custody of his or her parent, the Department of Children and  
18 Family Services immediately shall consider concurrent  
19 planning, as described in Section 5 of the Children and Family  
20 Services Act so that permanency may occur at the earliest  
21 opportunity; consideration should be given so that if  
22 reunification fails or is delayed, the placement made is the  
23 best available placement to provide permanency for the child;  
24 and, when the minor is removed from his or her own family, to

1 secure for him or her custody, care and discipline as nearly as  
2 possible equivalent to that which should be given by his or her  
3 parents, and in cases where it should and can properly be done  
4 to place the minor in a family home so that he or she may become  
5 a member of the family by legal adoption or otherwise. Provided  
6 that a ground for unfitness under the Adoption Act can be met,  
7 it may be appropriate to expedite termination of parental  
8 rights:

9 (a) when reasonable efforts are inappropriate, or have  
10 been provided and were unsuccessful, and there are  
11 aggravating circumstances including, but not limited to,  
12 those cases in which (i) the child or another child of that  
13 child's parent was (A) abandoned, (B) tortured, or (C)  
14 chronically abused or (ii) the parent is criminally  
15 convicted of (A) first degree murder or second degree  
16 murder of any child, (B) attempt or conspiracy to commit  
17 first degree murder or second degree murder of any child,  
18 (C) solicitation to commit murder, solicitation to commit  
19 murder for hire, solicitation to commit second degree  
20 murder of any child, or aggravated assault in violation of  
21 subdivision (a) (13) of Section 12-2 of the Criminal Code of  
22 1961, ~~or~~ (D) aggravated criminal sexual assault in  
23 violation of Section 12-14(b) (1) of the Criminal Code of  
24 1961, or (E) aggravated participation in methamphetamine  
25 manufacturing under subdivision (b) (1) (B) of Section 15 of  
26 the Methamphetamine Control and Community Protection Act,

1       and the minor or another child of the minor's parent was  
2       the child who resided or was present at the place when the  
3       methamphetamine was manufactured or who was endangered by  
4       the manufacture of the methamphetamine; or

5           (b) when the parental rights of a parent with respect  
6       to another child of the parent have been involuntarily  
7       terminated; or

8           (c) in those extreme cases in which the parent's  
9       incapacity to care for the child, combined with an  
10      extremely poor prognosis for treatment or rehabilitation,  
11      justifies expedited termination of parental rights.

12       (2) In all proceedings under this Act the court may direct  
13      the course thereof so as promptly to ascertain the  
14      jurisdictional facts and fully to gather information bearing  
15      upon the current condition and future welfare of persons  
16      subject to this Act. This Act shall be administered in a spirit  
17      of humane concern, not only for the rights of the parties, but  
18      also for the fears and the limits of understanding of all who  
19      appear before the court.

20       (3) In all procedures under this Act, the following shall  
21      apply:

22           (a) The procedural rights assured to the minor shall be  
23      the rights of adults unless specifically precluded by laws  
24      which enhance the protection of such minors.

25           (b) Every child has a right to services necessary to  
26      his or her safety and proper development, including health,

1 education and social services.

2 (c) The parents' right to the custody of their child  
3 shall not prevail when the court determines that it is  
4 contrary to the health, safety, and best interests of the  
5 child.

6 (4) This Act shall be liberally construed to carry out the  
7 foregoing purpose and policy.

8 (5) Notwithstanding any other rulemaking authority that  
9 may exist, neither the Governor nor any agency or agency head  
10 under the jurisdiction of the Governor has any authority to  
11 make or promulgate rules to implement or enforce the provisions  
12 of this amendatory Act of the 95th General Assembly. If,  
13 however, the Governor believes that rules are necessary to  
14 implement or enforce the provisions of this amendatory Act of  
15 the 95th General Assembly, the Governor may suggest rules to  
16 the General Assembly by filing them with the Clerk of the House  
17 and the Secretary of the Senate and by requesting that the  
18 General Assembly authorize such rulemaking by law, enact those  
19 suggested rules into law, or take any other appropriate action  
20 in the General Assembly's discretion. Nothing contained in this  
21 amendatory Act of the 95th General Assembly shall be  
22 interpreted to grant rulemaking authority under any other  
23 Illinois statute where such authority is not otherwise  
24 explicitly given. For the purposes of this Section, "rules" is  
25 given the meaning contained in Section 1-70 of the Illinois  
26 Administrative Procedure Act, and "agency" and "agency head"

1 are given the meanings contained in Sections 1-20 and 1-25 of  
2 the Illinois Administrative Procedure Act to the extent that  
3 such definitions apply to agencies or agency heads under the  
4 jurisdiction of the Governor.

5 (Source: P.A. 89-704, eff. 8-16-97 (changed from 1-1-98 by P.A.  
6 90-443); 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-443, eff.  
7 8-16-97; 90-608, eff. 6-30-98.)

8 Section 15. The Adoption Act is amended by changing Section  
9 1 as follows:

10 (750 ILCS 50/1) (from Ch. 40, par. 1501)

11 Sec. 1. Definitions. When used in this Act, unless the  
12 context otherwise requires:

13 A. "Child" means a person under legal age subject to  
14 adoption under this Act.

15 B. "Related child" means a child subject to adoption where  
16 either or both of the adopting parents stands in any of the  
17 following relationships to the child by blood or marriage:  
18 parent, grand-parent, brother, sister, step-parent,  
19 step-grandparent, step-brother, step-sister, uncle, aunt,  
20 great-uncle, great-aunt, or cousin of first degree. A child  
21 whose parent has executed a final irrevocable consent to  
22 adoption or a final irrevocable surrender for purposes of  
23 adoption, or whose parent has had his or her parental rights  
24 terminated, is not a related child to that person, unless the

1 consent is determined to be void or is void pursuant to  
2 subsection O of Section 10.

3 C. "Agency" for the purpose of this Act means a public  
4 child welfare agency or a licensed child welfare agency.

5 D. "Unfit person" means any person whom the court shall  
6 find to be unfit to have a child, without regard to the  
7 likelihood that the child will be placed for adoption. The  
8 grounds of unfitness are any one or more of the following,  
9 except that a person shall not be considered an unfit person  
10 for the sole reason that the person has relinquished a child in  
11 accordance with the Abandoned Newborn Infant Protection Act:

12 (a) Abandonment of the child.

13 (a-1) Abandonment of a newborn infant in a hospital.

14 (a-2) Abandonment of a newborn infant in any setting  
15 where the evidence suggests that the parent intended to  
16 relinquish his or her parental rights.

17 (b) Failure to maintain a reasonable degree of  
18 interest, concern or responsibility as to the child's  
19 welfare.

20 (c) Desertion of the child for more than 3 months next  
21 preceding the commencement of the Adoption proceeding.

22 (d) Substantial neglect of the child if continuous or  
23 repeated.

24 (d-1) Substantial neglect, if continuous or repeated,  
25 of any child residing in the household which resulted in  
26 the death of that child.

1 (e) Extreme or repeated cruelty to the child.

2 (f) There is a rebuttable presumption, which can be  
3 overcome only by clear and convincing evidence, that a  
4 parent is unfit if:

5 (1) Two or more findings of physical abuse have  
6 been entered regarding any children under Section 2-21  
7 of the Juvenile Court Act of 1987, the most recent of  
8 which was determined by the juvenile court hearing the  
9 matter to be supported by clear and convincing  
10 evidence; or

11 (2) The parent has been convicted or found not  
12 guilty by reason of insanity and the conviction or  
13 finding resulted from the death of any child by  
14 physical abuse; or

15 (3) There is a finding of physical child abuse  
16 resulting from the death of any child under Section  
17 2-21 of the Juvenile Court Act of 1987.

18 No conviction or finding of delinquency pursuant  
19 to Article 5 of the Juvenile Court Act of 1987 shall be  
20 considered a criminal conviction for the purpose of  
21 applying any presumption under this item (f).

22 (g) Failure to protect the child from conditions within  
23 his environment injurious to the child's welfare.

24 (h) Other neglect of, or misconduct toward the child;  
25 provided that in making a finding of unfitness the court  
26 hearing the adoption proceeding shall not be bound by any

1 previous finding, order or judgment affecting or  
2 determining the rights of the parents toward the child  
3 sought to be adopted in any other proceeding except such  
4 proceedings terminating parental rights as shall be had  
5 under either this Act, the Juvenile Court Act or the  
6 Juvenile Court Act of 1987.

7 (i) Depravity. Conviction of any one of the following  
8 crimes shall create a presumption that a parent is deprived  
9 which can be overcome only by clear and convincing  
10 evidence: (1) first degree murder in violation of paragraph  
11 1 or 2 of subsection (a) of Section 9-1 of the Criminal  
12 Code of 1961 or conviction of second degree murder in  
13 violation of subsection (a) of Section 9-2 of the Criminal  
14 Code of 1961 of a parent of the child to be adopted; (2)  
15 first degree murder or second degree murder of any child in  
16 violation of the Criminal Code of 1961; (3) attempt or  
17 conspiracy to commit first degree murder or second degree  
18 murder of any child in violation of the Criminal Code of  
19 1961; (4) solicitation to commit murder of any child,  
20 solicitation to commit murder of any child for hire, or  
21 solicitation to commit second degree murder of any child in  
22 violation of the Criminal Code of 1961; (5) predatory  
23 criminal sexual assault of a child in violation of Section  
24 12-14.1 of the Criminal Code of 1961; (6) heinous battery  
25 of any child in violation of the Criminal Code of 1961; ~~or~~  
26 (7) aggravated battery of any child in violation of the

1           Criminal Code of 1961; or (8) aggravated participation in  
2           methamphetamine manufacturing in violation of subdivision  
3           (b) (1) (B) of Section 15 of the Methamphetamine Control and  
4           Community Protection Act, where any child resided or was  
5           present at the place when the methamphetamine was  
6           manufactured or was endangered by the manufacture of the  
7           methamphetamine.

8           There is a rebuttable presumption that a parent is  
9           depraved if the parent has been criminally convicted of at  
10          least 3 felonies under the laws of this State or any other  
11          state, or under federal law, or the criminal laws of any  
12          United States territory; and at least one of these  
13          convictions took place within 5 years of the filing of the  
14          petition or motion seeking termination of parental rights.

15          There is a rebuttable presumption that a parent is  
16          depraved if that parent has been criminally convicted of  
17          either first or second degree murder of any person as  
18          defined in the Criminal Code of 1961 within 10 years of the  
19          filing date of the petition or motion to terminate parental  
20          rights.

21          No conviction or finding of delinquency pursuant to  
22          Article 5 of the Juvenile Court Act of 1987 shall be  
23          considered a criminal conviction for the purpose of  
24          applying any presumption under this item (i).

25               (j) Open and notorious adultery or fornication.

26               (j-1) (Blank).

1           (k) Habitual drunkenness or addiction to drugs, other  
2 than those prescribed by a physician, for at least one year  
3 immediately prior to the commencement of the unfitness  
4 proceeding.

5           There is a rebuttable presumption that a parent is  
6 unfit under this subsection with respect to any child to  
7 which that parent gives birth where there is a confirmed  
8 test result that at birth the child's blood, urine, or  
9 meconium contained any amount of a controlled substance as  
10 defined in subsection (f) of Section 102 of the Illinois  
11 Controlled Substances Act or metabolites of such  
12 substances, the presence of which in the newborn infant was  
13 not the result of medical treatment administered to the  
14 mother or the newborn infant; and the biological mother of  
15 this child is the biological mother of at least one other  
16 child who was adjudicated a neglected minor under  
17 subsection (c) of Section 2-3 of the Juvenile Court Act of  
18 1987.

19           (l) Failure to demonstrate a reasonable degree of  
20 interest, concern or responsibility as to the welfare of a  
21 new born child during the first 30 days after its birth.

22           (m) Failure by a parent (i) to make reasonable efforts  
23 to correct the conditions that were the basis for the  
24 removal of the child from the parent, or (ii) to make  
25 reasonable progress toward the return of the child to the  
26 parent within 9 months after an adjudication of neglected

1 or abused minor under Section 2-3 of the Juvenile Court Act  
2 of 1987 or dependent minor under Section 2-4 of that Act,  
3 or (iii) to make reasonable progress toward the return of  
4 the child to the parent during any 9-month period after the  
5 end of the initial 9-month period following the  
6 adjudication of neglected or abused minor under Section 2-3  
7 of the Juvenile Court Act of 1987 or dependent minor under  
8 Section 2-4 of that Act. If a service plan has been  
9 established as required under Section 8.2 of the Abused and  
10 Neglected Child Reporting Act to correct the conditions  
11 that were the basis for the removal of the child from the  
12 parent and if those services were available, then, for  
13 purposes of this Act, "failure to make reasonable progress  
14 toward the return of the child to the parent" includes (I)  
15 the parent's failure to substantially fulfill his or her  
16 obligations under the service plan and correct the  
17 conditions that brought the child into care within 9 months  
18 after the adjudication under Section 2-3 or 2-4 of the  
19 Juvenile Court Act of 1987 and (II) the parent's failure to  
20 substantially fulfill his or her obligations under the  
21 service plan and correct the conditions that brought the  
22 child into care during any 9-month period after the end of  
23 the initial 9-month period following the adjudication  
24 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.  
25 Notwithstanding any other provision, when a petition or  
26 motion seeks to terminate parental rights on the basis of

1 item (iii) of this subsection (m), the petitioner shall  
2 file with the court and serve on the parties a pleading  
3 that specifies the 9-month period or periods relied on. The  
4 pleading shall be filed and served on the parties no later  
5 than 3 weeks before the date set by the court for closure  
6 of discovery, and the allegations in the pleading shall be  
7 treated as incorporated into the petition or motion.  
8 Failure of a respondent to file a written denial of the  
9 allegations in the pleading shall not be treated as an  
10 admission that the allegations are true.

11 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
12 child has been in foster care for 15 months out of any 22  
13 month period which begins on or after the effective date of  
14 this amendatory Act of 1998 unless the child's parent can  
15 prove by a preponderance of the evidence that it is more  
16 likely than not that it will be in the best interests of  
17 the child to be returned to the parent within 6 months of  
18 the date on which a petition for termination of parental  
19 rights is filed under the Juvenile Court Act of 1987. The  
20 15 month time limit is tolled during any period for which  
21 there is a court finding that the appointed custodian or  
22 guardian failed to make reasonable efforts to reunify the  
23 child with his or her family, provided that (i) the finding  
24 of no reasonable efforts is made within 60 days of the  
25 period when reasonable efforts were not made or (ii) the  
26 parent filed a motion requesting a finding of no reasonable

1 efforts within 60 days of the period when reasonable  
2 efforts were not made. For purposes of this subdivision  
3 (m-1), the date of entering foster care is the earlier of:  
4 (i) the date of a judicial finding at an adjudicatory  
5 hearing that the child is an abused, neglected, or  
6 dependent minor; or (ii) 60 days after the date on which  
7 the child is removed from his or her parent, guardian, or  
8 legal custodian.

9 (n) Evidence of intent to forgo his or her parental  
10 rights, whether or not the child is a ward of the court,  
11 (1) as manifested by his or her failure for a period of 12  
12 months: (i) to visit the child, (ii) to communicate with  
13 the child or agency, although able to do so and not  
14 prevented from doing so by an agency or by court order, or  
15 (iii) to maintain contact with or plan for the future of  
16 the child, although physically able to do so, or (2) as  
17 manifested by the father's failure, where he and the mother  
18 of the child were unmarried to each other at the time of  
19 the child's birth, (i) to commence legal proceedings to  
20 establish his paternity under the Illinois Parentage Act of  
21 1984 or the law of the jurisdiction of the child's birth  
22 within 30 days of being informed, pursuant to Section 12a  
23 of this Act, that he is the father or the likely father of  
24 the child or, after being so informed where the child is  
25 not yet born, within 30 days of the child's birth, or (ii)  
26 to make a good faith effort to pay a reasonable amount of

1 the expenses related to the birth of the child and to  
2 provide a reasonable amount for the financial support of  
3 the child, the court to consider in its determination all  
4 relevant circumstances, including the financial condition  
5 of both parents; provided that the ground for termination  
6 provided in this subparagraph (n)(2)(ii) shall only be  
7 available where the petition is brought by the mother or  
8 the husband of the mother.

9 Contact or communication by a parent with his or her  
10 child that does not demonstrate affection and concern does  
11 not constitute reasonable contact and planning under  
12 subdivision (n). In the absence of evidence to the  
13 contrary, the ability to visit, communicate, maintain  
14 contact, pay expenses and plan for the future shall be  
15 presumed. The subjective intent of the parent, whether  
16 expressed or otherwise, unsupported by evidence of the  
17 foregoing parental acts manifesting that intent, shall not  
18 preclude a determination that the parent has intended to  
19 forgo his or her parental rights. In making this  
20 determination, the court may consider but shall not require  
21 a showing of diligent efforts by an authorized agency to  
22 encourage the parent to perform the acts specified in  
23 subdivision (n).

24 It shall be an affirmative defense to any allegation  
25 under paragraph (2) of this subsection that the father's  
26 failure was due to circumstances beyond his control or to

1 impediments created by the mother or any other person  
2 having legal custody. Proof of that fact need only be by a  
3 preponderance of the evidence.

4 (o) Repeated or continuous failure by the parents,  
5 although physically and financially able, to provide the  
6 child with adequate food, clothing, or shelter.

7 (p) Inability to discharge parental responsibilities  
8 supported by competent evidence from a psychiatrist,  
9 licensed clinical social worker, or clinical psychologist  
10 of mental impairment, mental illness or mental retardation  
11 as defined in Section 1-116 of the Mental Health and  
12 Developmental Disabilities Code, or developmental  
13 disability as defined in Section 1-106 of that Code, and  
14 there is sufficient justification to believe that the  
15 inability to discharge parental responsibilities shall  
16 extend beyond a reasonable time period. However, this  
17 subdivision (p) shall not be construed so as to permit a  
18 licensed clinical social worker to conduct any medical  
19 diagnosis to determine mental illness or mental  
20 impairment.

21 (q) (Blank).

22 (r) The child is in the temporary custody or  
23 guardianship of the Department of Children and Family  
24 Services, the parent is incarcerated as a result of  
25 criminal conviction at the time the petition or motion for  
26 termination of parental rights is filed, prior to

1           incarceration the parent had little or no contact with the  
2           child or provided little or no support for the child, and  
3           the parent's incarceration will prevent the parent from  
4           discharging his or her parental responsibilities for the  
5           child for a period in excess of 2 years after the filing of  
6           the petition or motion for termination of parental rights.

7           (s) The child is in the temporary custody or  
8           guardianship of the Department of Children and Family  
9           Services, the parent is incarcerated at the time the  
10          petition or motion for termination of parental rights is  
11          filed, the parent has been repeatedly incarcerated as a  
12          result of criminal convictions, and the parent's repeated  
13          incarceration has prevented the parent from discharging  
14          his or her parental responsibilities for the child.

15          (t) A finding that at birth the child's blood, urine,  
16          or meconium contained any amount of a controlled substance  
17          as defined in subsection (f) of Section 102 of the Illinois  
18          Controlled Substances Act, or a metabolite of a controlled  
19          substance, with the exception of controlled substances or  
20          metabolites of such substances, the presence of which in  
21          the newborn infant was the result of medical treatment  
22          administered to the mother or the newborn infant, and that  
23          the biological mother of this child is the biological  
24          mother of at least one other child who was adjudicated a  
25          neglected minor under subsection (c) of Section 2-3 of the  
26          Juvenile Court Act of 1987, after which the biological

1 mother had the opportunity to enroll in and participate in  
2 a clinically appropriate substance abuse counseling,  
3 treatment, and rehabilitation program.

4 E. "Parent" means the father or mother of a lawful child of  
5 the parties or child born out of wedlock. For the purpose of  
6 this Act, a person who has executed a final and irrevocable  
7 consent to adoption or a final and irrevocable surrender for  
8 purposes of adoption, or whose parental rights have been  
9 terminated by a court, is not a parent of the child who was the  
10 subject of the consent or surrender, unless the consent is void  
11 pursuant to subsection O of Section 10.

12 F. A person is available for adoption when the person is:

13 (a) a child who has been surrendered for adoption to an  
14 agency and to whose adoption the agency has thereafter  
15 consented;

16 (b) a child to whose adoption a person authorized by  
17 law, other than his parents, has consented, or to whose  
18 adoption no consent is required pursuant to Section 8 of  
19 this Act;

20 (c) a child who is in the custody of persons who intend  
21 to adopt him through placement made by his parents;

22 (c-1) a child for whom a parent has signed a specific  
23 consent pursuant to subsection O of Section 10;

24 (d) an adult who meets the conditions set forth in  
25 Section 3 of this Act; or

26 (e) a child who has been relinquished as defined in

1 Section 10 of the Abandoned Newborn Infant Protection Act.

2 A person who would otherwise be available for adoption  
3 shall not be deemed unavailable for adoption solely by reason  
4 of his or her death.

5 G. The singular includes the plural and the plural includes  
6 the singular and the "male" includes the "female", as the  
7 context of this Act may require.

8 H. "Adoption disruption" occurs when an adoptive placement  
9 does not prove successful and it becomes necessary for the  
10 child to be removed from placement before the adoption is  
11 finalized.

12 I. "Foreign placing agency" is an agency or individual  
13 operating in a country or territory outside the United States  
14 that is authorized by its country to place children for  
15 adoption either directly with families in the United States or  
16 through United States based international agencies.

17 J. "Immediate relatives" means the biological parents, the  
18 parents of the biological parents and siblings of the  
19 biological parents.

20 K. "Intercountry adoption" is a process by which a child  
21 from a country other than the United States is adopted.

22 L. "Intercountry Adoption Coordinator" is a staff person of  
23 the Department of Children and Family Services appointed by the  
24 Director to coordinate the provision of services by the public  
25 and private sector to prospective parents of foreign-born  
26 children.

1 M. "Interstate Compact on the Placement of Children" is a  
2 law enacted by most states for the purpose of establishing  
3 uniform procedures for handling the interstate placement of  
4 children in foster homes, adoptive homes, or other child care  
5 facilities.

6 N. "Non-Compact state" means a state that has not enacted  
7 the Interstate Compact on the Placement of Children.

8 O. "Preadoption requirements" are any conditions  
9 established by the laws or regulations of the Federal  
10 Government or of each state that must be met prior to the  
11 placement of a child in an adoptive home.

12 P. "Abused child" means a child whose parent or immediate  
13 family member, or any person responsible for the child's  
14 welfare, or any individual residing in the same home as the  
15 child, or a paramour of the child's parent:

16 (a) inflicts, causes to be inflicted, or allows to be  
17 inflicted upon the child physical injury, by other than  
18 accidental means, that causes death, disfigurement,  
19 impairment of physical or emotional health, or loss or  
20 impairment of any bodily function;

21 (b) creates a substantial risk of physical injury to  
22 the child by other than accidental means which would be  
23 likely to cause death, disfigurement, impairment of  
24 physical or emotional health, or loss or impairment of any  
25 bodily function;

26 (c) commits or allows to be committed any sex offense

1 against the child, as sex offenses are defined in the  
2 Criminal Code of 1961 and extending those definitions of  
3 sex offenses to include children under 18 years of age;

4 (d) commits or allows to be committed an act or acts of  
5 torture upon the child; ~~or~~

6 (e) inflicts excessive corporal punishment; or

7 (f) commits aggravated participation in  
8 methamphetamine manufacturing in violation of subdivision  
9 (b) (1) (B) of Section 15 of the Methamphetamine Control and  
10 Community Protection Act, where the child resided or was  
11 present at the place when the methamphetamine was  
12 manufactured or who was endangered by the manufacture of  
13 the methamphetamine.

14 Q. "Neglected child" means any child whose parent or other  
15 person responsible for the child's welfare withholds or denies  
16 nourishment or medically indicated treatment including food or  
17 care denied solely on the basis of the present or anticipated  
18 mental or physical impairment as determined by a physician  
19 acting alone or in consultation with other physicians or  
20 otherwise does not provide the proper or necessary support,  
21 education as required by law, or medical or other remedial care  
22 recognized under State law as necessary for a child's  
23 well-being, or other care necessary for his or her well-being,  
24 including adequate food, clothing and shelter; or who is  
25 abandoned by his or her parents or other person responsible for  
26 the child's welfare.

1           A child shall not be considered neglected or abused for the  
2 sole reason that the child's parent or other person responsible  
3 for his or her welfare depends upon spiritual means through  
4 prayer alone for the treatment or cure of disease or remedial  
5 care as provided under Section 4 of the Abused and Neglected  
6 Child Reporting Act. A child shall not be considered neglected  
7 or abused for the sole reason that the child's parent or other  
8 person responsible for the child's welfare failed to vaccinate,  
9 delayed vaccination, or refused vaccination for the child due  
10 to a waiver on religious or medical grounds as permitted by  
11 law.

12           R. "Putative father" means a man who may be a child's  
13 father, but who (1) is not married to the child's mother on or  
14 before the date that the child was or is to be born and (2) has  
15 not established paternity of the child in a court proceeding  
16 before the filing of a petition for the adoption of the child.  
17 The term includes a male who is less than 18 years of age.  
18 "Putative father" does not mean a man who is the child's father  
19 as a result of criminal sexual abuse or assault as defined  
20 under Article 12 of the Criminal Code of 1961.

21           S. "Standby adoption" means an adoption in which a parent  
22 consents to custody and termination of parental rights to  
23 become effective upon the occurrence of a future event, which  
24 is either the death of the parent or the request of the parent  
25 for the entry of a final judgment of adoption.

26           T. (Blank).

1        Notwithstanding any other rulemaking authority that may  
2 exist, neither the Governor nor any agency or agency head under  
3 the jurisdiction of the Governor has any authority to make or  
4 promulgate rules to implement or enforce the provisions of this  
5 amendatory Act of the 95th General Assembly. If, however, the  
6 Governor believes that rules are necessary to implement or  
7 enforce the provisions of this amendatory Act of the 95th  
8 General Assembly, the Governor may suggest rules to the General  
9 Assembly by filing them with the Clerk of the House and the  
10 Secretary of the Senate and by requesting that the General  
11 Assembly authorize such rulemaking by law, enact those  
12 suggested rules into law, or take any other appropriate action  
13 in the General Assembly's discretion. Nothing contained in this  
14 amendatory Act of the 95th General Assembly shall be  
15 interpreted to grant rulemaking authority under any other  
16 Illinois statute where such authority is not otherwise  
17 explicitly given. For the purposes of this Section, "rules" is  
18 given the meaning contained in Section 1-70 of the Illinois  
19 Administrative Procedure Act, and "agency" and "agency head"  
20 are given the meanings contained in Sections 1-20 and 1-25 of  
21 the Illinois Administrative Procedure Act to the extent that  
22 such definitions apply to agencies or agency heads under the  
23 jurisdiction of the Governor.

24        (Source: P.A. 93-732, eff. 1-1-05; 94-229, eff. 1-1-06; 94-563,  
25        eff. 1-1-06; 94-939, eff. 1-1-07.)